

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

DO NOT WRITE IN THIS SPACE

Case

Date Filed

04-CA-292143

3/11/22

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer SpArc Philadelphia		b. Tel. No. (215) 229-4550
		c. Cell No.
d. Address (Street, city, state, and ZIP code) 2350 West Westmoreland Street Philadelphia, PA 19140	e. Employer Representative (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)	f. Fax No. (215) 225-1330
		g. e-mail (b) (6), (b) (7)(C)@sparcphilly.org
		h. Number of Workers Employed 50
i. Type of Establishment (factory, mine, wholesaler, etc.) Disability support facility	j. Identify Principal Product or Service Care of participants with developmental and intellectual disabilities	

I. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (3) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

Since March 10, 2022, at the Employer's Philadelphia, PA facility, the Employer has interfered with, restrained, and coerced its employees in the exercise of rights protected by Section 7 of the Act, by:

1. Convening a meeting via Google Meet in which (b) (6), (b) (7)(C) displayed animus toward a Know Your Rights flier created by the Union and told employees that they could not engage in Section 7 activity during work time. (b) (6), (b) (7)(C) failed to distinguish between "work time" and "working time," and the Employer has never prohibited discussion, solicitation, or distribution pertaining to subjects other than Section 7 activities.
2. Requiring an employee to remove the Know Your Rights flier and another flier pertaining to Section 7 rights from an office, and then confiscating the fliers. The Employer has never prohibited the posting of items other than those pertaining to Section 7 rights.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

SpArc Organizing Committee

4a. Address (Street and number, city, state, and ZIP code)

(b) (6), (b) (7)(C)

4b. Tel. No.**4c. Cell No.**

(b) (6), (b) (7)(C)

4d. Fax No.**4e. e-mail**

(b) (6), (b) (7)(C)

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)**6. DECLARATION**

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(Print/type name and title or office, if any)

Date:

3/11/2022

Tel. No.**Office, if any, Cell No.**

(b) (6), (b) (7)(C)

Fax No.**e-mail**

(b) (6), (b) (7)(C)

Address: (b) (6), (b) (7)(C)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 4
100 E Penn Square
Suite 403
Philadelphia, PA 19107

Agency Website: www.nlr.gov
Telephone: (215)597-7601
Fax: (215)597-7658



Download
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March 14, 2022

(b) (6), (b) (7)(C)

SpArc Philadelphia
2350 West Westmoreland Street
Philadelphia, PA 19140

Re: SpArc Philadelphia
Case 04-CA-292143

Dear (b) (6), (b) (7)(C)

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Examiner JOSHUA D. ROSENBERG whose telephone number is (215)597-3719. If this Board agent is not available, you may contact Supervisory Examiner CARA L. FIES-KELLER whose telephone number is (215)597-7636.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board

agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor requests to limit our use of position statements or evidence. Specifically, any material you submit may be introduced as evidence at a hearing before an administrative law judge regardless of claims of confidentiality. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Further, the Freedom of Information Act may require that we disclose position statements or evidence in closed cases upon request, unless an exemption applies, such as those protecting confidential financial information or personal privacy interests.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Correspondence: All documents submitted to the Region regarding your case MUST be filed through the Agency's website, www.nlr.gov. This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. Please ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlrb.gov or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in cursive script that reads "Thomas Goonan".

Thomas Goonan
Regional Director

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

QUESTIONNAIRE ON COMMERCE INFORMATION

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

CASE NAME	CASE NUMBER 04-CA-292143
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1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)

2. TYPE OF ENTITY

☐ CORPORATION ☐ LLC ☐ LLP ☐ PARTNERSHIP ☐ SOLE PROPRIETORSHIP ☐ OTHER (Specify)

3. IF A CORPORATION or LLC

A. STATE OF INCORPORATION OR FORMATION	B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES
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4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS

5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR

6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).

7A. PRINCIPAL LOCATION:

7B. BRANCH LOCATIONS:

8. NUMBER OF PEOPLE PRESENTLY EMPLOYED

A. TOTAL:

B. AT THE ADDRESS INVOLVED IN THIS MATTER:

9. DURING THE MOST RECENT (Check the appropriate box): ☐ CALENDAR ☐ 12 MONTHS or ☐ FISCAL YEAR (FY DATES _____)

	YES	NO
A. Did you provide services valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value. \$ _____		
B. If you answered no to 9A, did you provide services valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided. \$ _____		
C. If you answered no to 9A and 9B, did you provide services valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$ _____		
D. Did you sell goods valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$ _____		
E. If you answered no to 9D, did you sell goods valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$ _____		
F. Did you purchase and receive goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$ _____		
G. Did you purchase and receive goods valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount. \$ _____		
H. Gross Revenues from all sales or performance of services (Check the largest amount) <input type="checkbox"/> \$100,000 <input type="checkbox"/> \$250,000 <input type="checkbox"/> \$500,000 <input type="checkbox"/> \$1,000,000 or more If less than \$100,000, indicate amount.		
I. Did you begin operations within the last 12 months? If yes, specify date: _____		

10. ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?

☐ YES ☐ NO (If yes, name and address of association or group).

11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS

NAME	TITLE	E-MAIL ADDRESS	TEL. NUMBER
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12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

NAME AND TITLE (Type or Print)	SIGNATURE	E-MAIL ADDRESS	DATE
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PRIVACY ACT STATEMENT

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UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

SPARC PHILADELPHIA

Charged Party

and

SPARC ORGANIZING COMMITTEE

Charging Party

Case 04-CA-292143

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on March 14, 2022, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

(b) (6), (b) (7)(C)

SpArc Philadelphia
2350 West Westmoreland Street
Philadelphia, PA 19140

March 14, 2022

Date

Enter NAME, Designated Agent of NLRB

Name

Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 4
100 E Penn Square
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Philadelphia, PA 19107

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March 14, 2022

(b) (6), (b) (7)(C)

SpArc Organizing Committee

(b) (6), (b) (7)(C)

Re: SpArc Philadelphia
Case 04-CA-292143

Dear (b) (6), (b) (7)(C)

The charge that you filed in this case on March 11, 2022 has been docketed as case number 04-CA-292143. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Examiner JOSHUA D. ROSENBERG whose telephone number is (215)597-3719. If this Board agent is not available, you may contact Supervisory Examiner CARA L. FIES-KELLER whose telephone number is (215)597-7636.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to

cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlrb.gov or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink that reads "Thomas Goonan". The signature is written in a cursive style with a large, stylized "T" and "G".

Thomas Goonan
Regional Director

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

FIRST AMENDED CHARGE AGAINST EMPLOYER

INSTRUCTIONS:

DO NOT WRITE IN THIS SPACE

Case

Date Filed

04-CA-292143

10/19/22

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer SpArc Philadelphia		b. Tel. No. (215) 229-4550
		c. Cell No.
d. Address (Street, city, state, and ZIP code) 2350 West Westmoreland Street Philadelphia, PA 19140	e. Employer Representative (b) (6), (b) (7)(C)	f. Fax No. (215) 225-1330
		g. e-mail (b) (6), (b) (7)(C)@sparcphilly.org
		h. Number of Workers Employed 50
i. Type of Establishment (factory, mine, wholesaler, etc.) Disability support facility	j. Identify Principal Product or Service Care of participants with developmental and intellectual disabilities	

1. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

Since March 10, 2022, at the Employer's Philadelphia, PA facility, the Employer has interfered with, restrained, and coerced its employees in the exercise of rights protected by Section 7 of the Act, by:

1. Convening a captive-audience meeting via Google Meet in which employees were forced on working time to listen to (b) (6), (b) (7)(C) concerning the exercise of employees' statutory labor rights; the threat of discipline, discharge, or other reprisal.
2. Directing an employee to remove a "Know Your Rights" flier and another flier pertaining to Section 7 rights from an office, and then confiscating the fliers. The Employer has never prohibited the posting of items other than those pertaining to Section 7 rights.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

SpArc Organizing Committee

4a. Address (Street and number, city, state, and ZIP code)

(b) (6), (b) (7)(C)

4b. Tel. No.

4c. Cell No.

(b) (6), (b) (7)(C)

4d.

4e. e-mail

(b) (6), (b) (7)(C)

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be organization)

6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Tel. No.

Office, if any, Cell No.

(b) (6), (b) (7)(C)

Fax No.

e-mail

(b) (6), (b) (7)(C)

Address:

(b) (6), (b) (7)(C)

any)

Date:

10/19/2022

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

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October 20, 2022

(b) (6), (b) (7)(C)

SpArc Philadelphia
2350 West Westmoreland Street
Philadelphia, PA 19140

Re: SpArc Philadelphia
Case 04-CA-292143

Dear (b) (6), (b) (7)(C)

Enclosed is a copy of the first amended charge that has been filed in this case.

Investigator: This charge is being investigated by Field Examiner JOSHUA D. ROSENBERG whose telephone number is (215)597-3719. If the agent is not available, you may contact Supervisory Examiner CARA L. FIES-KELLER whose telephone number is (215)597-7636.

Presentation of Your Evidence: As you know, we seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations in the first amended charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Procedures: Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency's web site (www.nlr.gov). You must e-file all documents electronically or provide a written statement explaining why electronic submission is not possible or feasible. Failure to

comply with Section 102.5 will result in rejection of your submission. The Region will make its determination on the merits solely based on the evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Very truly yours,

A handwritten signature in cursive script that reads "Thomas Goonan".

Thomas Goonan
Regional Director

Enclosure: Copy of first amended charge

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

SPARC PHILADELPHIA

Charged Party

and

SPARC ORGANIZING COMMITTEE

Charging Party

Case 04-CA-292143

AFFIDAVIT OF SERVICE OF FIRST AMENDED CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on October 20, 2022, I served the above-entitled document(s) by regular mail upon the following persons, addressed to them at the following addresses:

(b) (6), (b) (7)(C)

SpArc Philadelphia
2350 West Westmoreland Street
Philadelphia, PA 19140

October 20, 2022

Date

Lorraine Y. Murray
Designated Agent of NLRB

Name

/s/ Lorraine Y. Murray

Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 4
100 E Penn Square
Suite 403
Philadelphia, PA 19107

Agency Website: www.nlr.gov
Telephone: (215)597-7601
Fax: (215)597-7658



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October 20, 2022

(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)
SpArc Organizing Committee
(b) (6), (b) (7)(C)

Re: SpArc Philadelphia
Case 04-CA-292143

Dear (b) (6), (b) (7)(C)

We have docketed the first amended charge that you filed in this case.

Investigator: This charge is being investigated by Field Examiner JOSHUA D. ROSENBERG whose telephone number is (215)597-3719. If the agent is not available, you may contact Supervisory Examiner CARA L. FIES-KELLER whose telephone number is (215)597-7636.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. If you have additional evidence regarding the allegations in the first amended charge and you have not yet scheduled a date and time for the Board agent to obtain that evidence, please contact the Board agent to arrange to present that evidence. If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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Procedures: Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the

Agency's web site (www.nlr.gov). You must e-file all documents electronically or provide a written statement explaining why electronic submission is not possible or feasible. Failure to comply with Section 102.5 will result in rejection of your submission. The Region will make its determination on the merits solely based on the evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Very truly yours,

A handwritten signature in cursive script that reads "Thomas Goonan".

Thomas Goonan
Regional Director

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

INSTRUCTIONS:

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
04-CA-290212	2-8-22

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer SpArc Philadelphia		b. Tel. No. (215) 229-4550
		c. Cell No.
d. Address (Street, city, state, and ZIP code) 2350 West Westmoreland Street Philadelphia, PA 19140	e. Employer Representative (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)	f. Fax No. (215) 225-1330
		g. e-mail (b) (6), (b) (7)(C) sparcphilly.org
		h. Number of Workers Employed 50
i. Type of Establishment (factory, mine, wholesaler, etc.) Disability support facility	j. Identify Principal Product or Service care of participants with developmental and intellectual disabilities	

I. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (3) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

For the past six months, at the Employer's Philadelphia, PA facility, the Employer has interfered with, restrained, and coerced its employees in the exercise of rights protected by Section 7 of the Act, and it has discriminated against (b) (6), (b) (7)(C) because of (b) (6), (b) (7)(C) union and concerted activities, by:

1. Making (b) (6), (b) (7)(C) job duties more onerous because of (b) (6), (b) (7)(C) activities on behalf of SpArc Organizing Committee (the Union).
2. On (b) (6), (b) (7)(C) 2022, by (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C), telling (b) (6), (b) (7)(C) not to talk to coworkers about the Employer's COVID-19 leave benefits.
3. On (b) (6), (b) (7)(C) 2022, by (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C), telling (b) (6), (b) (7)(C) that (b) (6), (b) (7)(C) discussion of terms and conditions constituted bullying and created drama.
4. On (b) (6), (b) (7)(C) 2022, by (b) (6), (b) (7)(C) launching an investigation in retaliation for (b) (6), (b) (7)(C) protected activities; incorrectly articulating the scope of the Act's protections; and coercing (b) (6), (b) (7)(C) into signing a document falsely stating that (b) (6), (b) (7)(C) rights under the Act had not been interfered with.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

SpArc Organizing Committee

4a. Address (Street and number, city, state, and ZIP code)

(b) (6), (b) (7)(C)

4b. Tel. No.**4c. Cell No.**

(b) (6), (b) (7)(C)

4d. Fax No.**4e. e-mail**

(b) (6), (b) (7)(C)

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)**6. DECLARATION**

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

(b) (6), (b) (7)(C)

(Signature of representative of person making charge)

(b) (6), (b) (7)(C)

(Print/type name and title or office, if any)

Tel. No.**Office, if any, Cell No.**

(b) (6), (b) (7)(C)

Fax No.**e-mail**

(b) (6), (b) (7)(C)

Address:

(b) (6), (b) (7)(C)

Date:

2/8/2022

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

(b) (6), (b) (7)(C)



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 4
100 E Penn Square
Suite 403
Philadelphia, PA 19107

Agency Website: www.nlr.gov
Telephone: (215)597-7601
Fax: (215)597-7658



Download
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Mobile App

February 8, 2022

(b) (6), (b) (7)(C)

SpArc Organizing Committee

(b) (6), (b) (7)(C)

Re: SpArc Philadelphia
Case 04-CA-290212

Dear (b) (6), (b) (7)(C)

The charge that you filed in this case on February 08, 2022 has been docketed as case number 04-CA-290212. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Examiner JOSHUA D. ROSENBERG whose telephone number is (215)597-3719. If this Board agent is not available, you may contact Supervisory Examiner CARA L. FIES-KELLER whose telephone number is (215)597-7636.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Correspondence: All documents submitted to the Region regarding your case MUST be filed through the Agency's website, www.nlrb.gov. This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. Please ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlrb.gov or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink that reads "Thomas Goonan". The signature is written in a cursive style with a large, stylized 'T' and a long, sweeping underline.

Thomas Goonan
Regional Director



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

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100 E Penn Square
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Telephone: (215)597-7601
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February 8, 2022

(b) (6), (b) (7)(C)

SpArc Philadelphia
2350 West Westmoreland Street
Philadelphia, PA 19140

Re: SpArc Philadelphia
Case 04-CA-290212

Dear (b) (6), (b) (7)(C)

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Examiner JOSHUA D. ROSENBERG whose telephone number is (215)597-3719. If this Board agent is not available, you may contact Supervisory Examiner CARA L. FIES-KELLER whose telephone number is (215)597-7636.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor requests to limit our use of position statements or evidence. Specifically, any material you submit may be introduced as evidence at a hearing before an administrative law judge regardless of claims of confidentiality. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Further, the Freedom of Information Act may require that we disclose position statements or evidence in closed cases upon request, unless an exemption applies, such as those protecting confidential financial information or personal privacy interests.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in cursive script that reads "Thomas Goonan".

Thomas Goonan
Regional Director

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

QUESTIONNAIRE ON COMMERCE INFORMATION

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

CASE NAME	CASE NUMBER 04-CA-290212
-----------	-----------------------------

1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)

2. TYPE OF ENTITY

☐ CORPORATION ☐ LLC ☐ LLP ☐ PARTNERSHIP ☐ SOLE PROPRIETORSHIP ☐ OTHER (Specify)

3. IF A CORPORATION or LLC

A. STATE OF INCORPORATION OR FORMATION	B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES
--	--

4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS

5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR

6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).

7A. PRINCIPAL LOCATION:

7B. BRANCH LOCATIONS:

8. NUMBER OF PEOPLE PRESENTLY EMPLOYED

A. TOTAL:

B. AT THE ADDRESS INVOLVED IN THIS MATTER:

9. DURING THE MOST RECENT (Check the appropriate box): ☐ CALENDAR ☐ 12 MONTHS or ☐ FISCAL YEAR (FY DATES _____)

	YES	NO
A. Did you provide services valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value. \$ _____		
B. If you answered no to 9A, did you provide services valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided. \$ _____		
C. If you answered no to 9A and 9B, did you provide services valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$ _____		
D. Did you sell goods valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$ _____		
E. If you answered no to 9D, did you sell goods valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$ _____		
F. Did you purchase and receive goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$ _____		
G. Did you purchase and receive goods valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount. \$ _____		
H. Gross Revenues from all sales or performance of services (Check the largest amount) <input type="checkbox"/> \$100,000 <input type="checkbox"/> \$250,000 <input type="checkbox"/> \$500,000 <input type="checkbox"/> \$1,000,000 or more If less than \$100,000, indicate amount.		
I. Did you begin operations within the last 12 months? If yes, specify date: _____		

10. ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?

☐ YES ☐ NO (If yes, name and address of association or group).

11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS

NAME	TITLE	E-MAIL ADDRESS	TEL. NUMBER
------	-------	----------------	-------------

12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

NAME AND TITLE (Type or Print)	SIGNATURE	E-MAIL ADDRESS	DATE
--------------------------------	-----------	----------------	------

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

SPARC PHILADELPHIA

Charged Party

and

SPARC ORGANIZING COMMITTEE

Charging Party

Case 04-CA-290212

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on February 8, 2022, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

(b) (6), (b) (7)(C)

SpArc Philadelphia
2350 West Westmoreland Street
Philadelphia, PA 19140

February 8, 2022

Date

Renai J. Warren, Designated Agent of
NLRB

Name

/s/ Renai J. Warren

Signature

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

FIRST AMENDED CHARGE AGAINST EMPLOYER

INSTRUCTIONS:

DO NOT WRITE IN THIS SPACE

Case

Date Filed

04-CA-290212

2/15/22

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer SpArc Philadelphia		b. Tel. No. (215) 229-4550
		c. Cell No.
d. Address (Street, city, state, and ZIP code) 2350 West Westmoreland Street Philadelphia, PA 19140	e. Employer Representative (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)	f. Fax No. (215) 225-1330
		g. e-mail (b) (6), (b) (7)(C)@sparcphilly.org
		h. Number of Workers Employed 50
i. Type of Establishment (factory, mine, wholesaler, etc.) Disability support facility	j. Identify Principal Product or Service care of participants with developmental and intellectual disabilities	

l. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (3) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

For the past six months, at the Employer's Philadelphia, PA facility, the Employer has interfered with, restrained, and coerced its employees in the exercise of rights protected by Section 7 of the Act, and it has discriminated against (b) (6), (b) (7)(C) because of (b) (6) union and concerted activities, by:

1. In December 2021, by (b) (6), (b) (7)(C), telling (b) (6), (b) (7) that the Employer had instructed (b) (6), (b) (7) to make jobs harder for employees who supported SpArc Organizing Committee (the Union), so that the employees would either quit or get fired.
2. Making (b) (6), (b) (7)(C) job duties more onerous because of (b) (6) activities on behalf of the Union, resulting in discipline on (b) (6), (b) (7)(C) 2021; (b) (6), (b) (7)(C) 2021; and (b) (6), (b) (7)(C) 2022.
3. On (b) (6), (b) (7)(C) 2022, by (b) (6), (b) (7)(C) and (b) (6), (b) (7) telling (b) (6), (b) (7) not to talk to coworkers about the Employer's COVID-19 leave benefits and that doing so could lead to further discipline.
4. On (b) (6), (b) (7)(C) 2022, by (b) (6), (b) (7) telling (b) (6), (b) (7) that (b) (6) speaking to coworkers seemed like (b) (6) was trying to start a union, banding against managers, making managers' jobs harder, and that such conduct could be perceived as bullying.
5. On (b) (6), (b) (7)(C) 2022, by (b) (6), (b) (7) and (b) (6), (b) (7)(C), telling (b) (6), (b) (7) that (b) (6) discussion of terms and conditions with coworkers created drama.
6. On (b) (6), (b) (7)(C) 2022, by (b) (6), (b) (7)(C) launching an investigation in retaliation for (b) (6), (b) (7)(C) protected activities; incorrectly articulating the scope of the Act's protections; and coercing (b) (6), (b) (7) into signing a document falsely stating that (b) (6) rights under the Act had not been interfered with.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

SpArc Organizing Committee

4a. Address (Street and number, city, state, and ZIP code)

(b) (6), (b) (7)(C)

4b. Tel. No.

4c. Cell No.

(b) (6), (b) (7)(C)

4d. Fax No.

4e. e-mail

(b) (6), (b) (7)(C)

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

(b) (6), (b) (7)(C)

(signature of representative of person making charge)

(b) (6), (b) (7)(C)

(Print/type name and title or office, if any)

Address:

(b) (6), (b) (7)(C)

Date:

2/15/22

Tel. No.

Office, if any, Cell No.

(b) (6), (b) (7)(C)

Fax No.

e-mail

(b) (6), (b) (7)(C)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
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(b) (6), (b) (7)(C)



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 4
100 E Penn Square
Suite 403
Philadelphia, PA 19107

Agency Website: www.nlr.gov
Telephone: (215)597-7601
Fax: (215)597-7658



Download
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Mobile App

February 15, 2022

(b) (6), (b) (7)(C)

SpArc Philadelphia
2350 West Westmoreland Street
Philadelphia, PA 19140

Re: SpArc Philadelphia
Case 04-CA-290212

Dear (b) (6), (b) (7)(C)

Enclosed is a copy of the first amended charge that has been filed in this case.

Investigator: This charge is being investigated by Field Examiner JOSHUA D. ROSENBERG whose telephone number is (215)597-3719. If the agent is not available, you may contact Supervisory Examiner CARA L. FIES-KELLER whose telephone number is (215)597-7636.

Presentation of Your Evidence: As you know, we seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations in the first amended charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Procedures: Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency's web site (www.nlr.gov). You must e-file all documents electronically or provide a written statement explaining why electronic submission is not possible or feasible. Failure to

comply with Section 102.5 will result in rejection of your submission. The Region will make its determination on the merits solely based on the evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Very truly yours,

A handwritten signature in cursive script that reads "Thomas Goonan".

Thomas Goonan
Regional Director

Enclosure: Copy of first amended charge

cc: Marjorie M. Obod, Esquire
Dilworth Paxson, LLP
1501 Market Street
Philadelphia, PA 19102-2128

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

SPARC PHILADELPHIA

Charged Party

and

SPARC ORGANIZING COMMITTEE

Charging Party

Case 04-CA-290212

AFFIDAVIT OF SERVICE OF FIRST AMENDED CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on February 15, 2022, I served the above-entitled document(s) by regular mail upon the following persons, addressed to them at the following addresses:

(b) (6), (b) (7)(C)

SpArc Philadelphia
2350 West Westmoreland Street
Philadelphia, PA 19140

Marjorie M. Obod, Esquire
Dilworth Paxson, LLP
1501 Market Street
Philadelphia, PA 19102-2128

February 15, 2022

Date

Lorraine Y. Murray
Designated Agent of NLRB

Name

/s/ Lorraine Y. Murray

Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 4
100 E Penn Square
Suite 403
Philadelphia, PA 19107

Agency Website: www.nlrb.gov
Telephone: (215)597-7601
Fax: (215)597-7658



Download
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February 15, 2022

(b) (6), (b) (7)(C)

SpArc Organizing Committee

(b) (6), (b) (7)(C)

Re: SpArc Philadelphia
Case 04-CA-290212

Dear (b) (6), (b) (7)(C)

We have docketed the first amended charge that you filed in this case.

Investigator: This charge is being investigated by Field Examiner JOSHUA D. ROSENBERG whose telephone number is (215)597-3719. If the agent is not available, you may contact Supervisory Examiner CARA L. FIES-KELLER whose telephone number is (215)597-7636.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. If you have additional evidence regarding the allegations in the first amended charge and you have not yet scheduled a date and time for the Board agent to obtain that evidence, please contact the Board agent to arrange to present that evidence. If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Procedures: Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the

Agency's web site (www.nlr.gov). You must e-file all documents electronically or provide a written statement explaining why electronic submission is not possible or feasible. Failure to comply with Section 102.5 will result in rejection of your submission. The Region will make its determination on the merits solely based on the evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Very truly yours,

A handwritten signature in cursive script that reads "Thomas Goonan".

Thomas Goonan
Regional Director

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD**SECOND AMENDED CHARGE AGAINST EMPLOYER****INSTRUCTIONS:**

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
04-CA-290212	10-19-22

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer SpArc Philadelphia		b. Tel. No. (215) 229-4550
		c. Cell No.
d. Address (Street, city, state, and ZIP code) 2350 West Westmoreland Street Philadelphia, PA 19140	e. Employer Representative (b) (6), (b) (7)(C)	f. Fax No. (215) 225-1330
		g. e-mail (b) (6), (b) (7)(C)@sarcphilly.org
		h. Number of Workers Employed 50
i. Type of Establishment (factory, mine, wholesaler, etc.) Disability support facility	j. Identify Principal Product or Service care of participants with developmental and intellectual disabilities	
1. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (3) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.		
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)		

For the past six months, at the Employer's Philadelphia, PA facility, the Employer has interfered with, restrained, and coerced its employees in the exercise of rights protected by Section 7 of the Act, and it has discriminated against (b) (6), (b) (7)(C) because of (b) (6), (b) (7)(C) union and concerted activities, by the conduct set forth in the "Attachment to Second Amended Charge against SpArc Philadelphia, Case 04-CA-290212."

3. Full name of party filing charge (if labor organization, give full name, including local name and number) SpArc Organizing Committee		4b. Tel. No.
4a. Address (Street and number, city, state, and ZIP code) (b) (6), (b) (7)(C)		4c. Cell No. (b) (6), (b) (7)(C)
		4d. Fax No.
		4e. e-mail (b) (6), (b) (7)(C)
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)		
6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief. (b) (6), (b) (7)(C) (signature of representative of person making charge)		Tel. No.
(Print/type name and title or office, if any) Date: 10/19/22		Office, if any, Cell No. (b) (6), (b) (7)(C)
Address: (b) (6), (b) (7)(C)		Fax No.
		e-mail (b) (6), (b) (7)(C)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

(b) (6), (b) (7)(C)

Attachment to Second Amended Charge against SpArc Philadelphia, Case 04-CA-290212

For the past six months, at the Employer's Philadelphia, PA facility, the Employer has interfered with, restrained, and coerced its employees in the exercise of rights protected by Section 7 of the Act, and it has discriminated against (b) (6), (b) (7)(C) because of (b) (6), (b) (7)(C) union and protected concerted activities (PCA), by:

1. About (b) (6), (b) (7)(C), 2021, by (b) (6), (b) (7)(C), telling (b) (6), (b) (7)(C) that an employee was fired because (b) (6), (b) (7)(C) had organized the SpArc Organizing Committee (the Union) for the purpose of increased wages; that the Employer was trying to fire (b) (6), (b) (7)(C) because (b) (6), (b) (7)(C) was part of the Union; that the Employer had instructed (b) (6), (b) (7)(C) to make jobs harder for employees who supported the Union, so that the employees would either quit or get fired; and that the Employer was also targeting other employees in retaliation for their PCA and activity on behalf of the Union.
2. About (b) (6), (b) (7)(C), 2022, by (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) telling (b) (6), (b) (7)(C) not to talk to coworkers about the Employer's COVID-19 leave benefits; that the Employer was going to change its policies to prohibit non-work discussion; that terms and conditions should only be discussed with HR and not coworkers; and that continued PCA could lead to discipline.
3. About (b) (6), (b) (7)(C) 2022, by (b) (6), (b) (7)(C) creating an impression of surveillance and threatening (b) (6), (b) (7)(C) by telling (b) (6), (b) (7)(C) that (b) (6), (b) (7)(C) speaking to coworkers seemed like (b) (6), (b) (7)(C) was trying to start a union, banding against managers, making managers' jobs harder; telling (b) (6), (b) (7)(C) that such protected conduct could be perceived as bullying; and directing (b) (6), (b) (7)(C) not to engage in PCA.
4. About (b) (6), (b) (7)(C) 2022, by (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C), telling (b) (6), (b) (7)(C) that (b) (6), (b) (7)(C) discussion of terms and conditions with coworkers created drama, directing (b) (6), (b) (7)(C) not to engage in PCA, and implicitly threatening (b) (6), (b) (7)(C) with discharge because of (b) (6), (b) (7)(C) PCA.
5. About (b) (6), (b) (7)(C) 2022, issuing discipline to (b) (6), (b) (7)(C) because of (b) (6), (b) (7)(C) union affiliation and PCA.
6. About (b) (6), (b) (7)(C) 2022, by (b) (6), (b) (7)(C), creating an impression of surveillance by launching an investigation in retaliation for (b) (6), (b) (7)(C) protected activities; interrogating (b) (6), (b) (7)(C); directing (b) (6), (b) (7)(C) to cease engaging in PCA and not to discuss terms and conditions with employees; implicitly threatening (b) (6), (b) (7)(C) with discharge because of (b) (6), (b) (7)(C) PCA and (b) (6), (b) (7)(C) discussion of terms and conditions with employees; and coercing (b) (6), (b) (7)(C) into signing a document retracting (b) (6), (b) (7)(C) complaints about terms and conditions of employment.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 4
100 E Penn Square
Suite 403
Philadelphia, PA 19107

Agency Website: www.nlr.gov
Telephone: (215)597-7601
Fax: (215)597-7658



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October 20, 2022

(b) (6), (b) (7)(C)

SpArc Philadelphia
2350 West Westmoreland Street
Philadelphia, PA 19140

Re: SpArc Philadelphia
Case 04-CA-290212

Dear (b) (6), (b) (7)(C)

Enclosed is a copy of the second amended charge that has been filed in this case.

Investigator: This charge is being investigated by Field Examiner JOSHUA D. ROSENBERG whose telephone number is (215)597-3719. If the agent is not available, you may contact Supervisory Examiner CARA L. FIES-KELLER whose telephone number is (215)597-7636.

Presentation of Your Evidence: As you know, we seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations in the second amended charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Procedures: Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency's web site (www.nlr.gov). You must e-file all documents electronically or provide a written statement explaining why electronic submission is not possible or feasible. Failure to

comply with Section 102.5 will result in rejection of your submission. The Region will make its determination on the merits solely based on the evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Very truly yours,

A handwritten signature in cursive script that reads "Thomas Goonan".

Thomas Goonan
Regional Director

Enclosure: Copy of second amended charge

cc: Marjorie M. Obod, Esquire
Dilworth Paxson, LLP
1500 Market Street, Suite 3500E
Philadelphia, PA 19102

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

SPARC PHILADELPHIA

Charged Party

and

SPARC ORGANIZING COMMITTEE

Charging Party

Case 04-CA-290212

AFFIDAVIT OF SERVICE OF SECOND AMENDED CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on October 20, 2022, I served the above-entitled document(s) by regular mail upon the following persons, addressed to them at the following addresses:

(b) (6), (b) (7)(C)

SpArc Philadelphia
2350 West Westmoreland Street
Philadelphia, PA 19140

Marjorie M. Obod, Esquire
Dilworth Paxson, LLP
1500 Market Street, Suite 3500E
Philadelphia, PA 19102

October 20, 2022

Date

Lorraine Y. Murray
Designated Agent of NLRB

Name

/s/ Lorraine Y. Murray

Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 4
100 E Penn Square
Suite 403
Philadelphia, PA 19107

Agency Website: www.nlr.gov
Telephone: (215)597-7601
Fax: (215)597-7658



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October 20, 2022

(b) (6), (b) (7)(C)

SpArc Organizing Committee

(b) (6), (b) (7)(C)

Re: SpArc Philadelphia
Case 04-CA-290212

Dear (b) (6), (b) (7)(C)

We have docketed the second amended charge that you filed in this case.

Investigator: This charge is being investigated by Field Examiner JOSHUA D. ROSENBERG whose telephone number is (215)597-3719. If the agent is not available, you may contact Supervisory Examiner CARA L. FIES-KELLER whose telephone number is (215)597-7636.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. If you have additional evidence regarding the allegations in the second amended charge and you have not yet scheduled a date and time for the Board agent to obtain that evidence, please contact the Board agent to arrange to present that evidence. If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Procedures: Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency's web site (www.nlr.gov). You must e-file all documents electronically or provide a

written statement explaining why electronic submission is not possible or feasible. Failure to comply with Section 102.5 will result in rejection of your submission. The Region will make its determination on the merits solely based on the evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Very truly yours,

A handwritten signature in cursive script that reads "Thomas Goonan". The signature is written in dark ink and is positioned below the "Very truly yours," text.

Thomas Goonan
Regional Director

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
SETTLEMENT AGREEMENT

IN THE MATTER OF
SpArc Philadelphia

Cases 04-CA-290212 &
04-CA-292143

Subject to the approval of the Regional Director for the National Labor Relations Board, the Charged Party and the Charging Party **HEREBY AGREE TO SETTLE THE ABOVE MATTER AS FOLLOWS:**

POSTING OF NOTICE — After the Regional Director has approved this Agreement, the Regional Office will send copies of the approved Notice to the Charged Party in English and in additional languages if the Regional Director decides that it is appropriate to do so. A responsible official of the Charged Party will then sign and date those Notices and immediately post them in its 2350 West Westmoreland Street, Philadelphia, Pennsylvania 19140 facility, in all areas where notices to employees are customarily posted. If the Employer's place of business is currently closed and a substantial number of employees are not reporting to the facility due to the Coronavirus pandemic or is operating with less than a substantial complement of employees, the 60 consecutive day period for posting will begin when the Employer's place of business reopens and a substantial complement of employees have returned to work. For purposes of this notice posting, a substantial complement of employees is at least 50% of the total number of employees employed by the Employer prior to closing its business due to the Coronavirus pandemic. The Charged Party will keep all Notices posted for 60 consecutive days after the initial posting.

EMAILING OF NOTICE — The Charged Party will send via email a copy of the signed Notice in English, and in additional languages if the Regional Director decides that it is appropriate, to all current and former employees who were employed at the facility located at 2350 West Westmoreland Street, Philadelphia, Pennsylvania 19140 at any time since November 24, 2021 (two thousand and twenty-one). The message of the email transmitted with the Notice will state: "We are distributing the Attached Notice to Employees to you pursuant to a Settlement Agreement approved by the Regional Director of Region 04 of the National Labor Relations Board in Cases 04-CA-290212 & 04-CA-290143. You have the right to engage in union and protected concerted activities such as discussing time-and-attendance policies and other terms and conditions of employment with coworkers, and we will not discipline or retaliate against you for doing so." If the Employer's place of business is currently closed due to the Coronavirus pandemic, the Employer will email the copy of the Notice to its employees within 14 days after service by the Region. To document its compliance with this requirement, the Charged Party will e-file a copy of its distribution email, with all of the recipients' email addresses visible, along with a copy of the attached Notice and a fully completed Certification of Posting form, via the Agency's e-filing portal at www.nlrb.gov.

READING OF NOTICE — The Charged Party will hold a meeting or meetings, scheduled to ensure the widest possible attendance on each shift, at which a responsible management official of the Charged Party will read the Notice in English and in additional languages if the Regional Director decides that it is appropriate to do so, in the presence of a Board agent. The reading will take place at a time when the Charged Party would customarily hold meetings and must be completed between the beginning of the posting period and prior to the completion of the 60-day Notice posting period. The date and time(s) of the reading must be approved by the Regional Director. The announcement of the meeting will be in the same manner the Charged Party normally announces meetings and must be approved by the Regional Director. The Notice will be read in the following languages: English.

Initials: _____

(b) (5), (b) (7)(C)

(b) (5), (b) (7)(C)

NOTICE TO SUPERVISORS — The Charged Party is to distribute the Notice to Employees to all current and former supervisors and managers who were employed at any time since November 24, 2021 (two thousand and twenty-one) at the 2350 West Westmoreland Street, Philadelphia, Pennsylvania 19140 facility.

COMPLIANCE WITH NOTICE — The Charged Party will comply with all the terms and provisions of said Notice.

TRAINING OF MANAGERS, SUPERVISORS, AND EMPLOYEES — Within two months of the approval of this Agreement, a Board agent shall provide a one-hour training session to the Charged Party's managers, supervisors, and employees regarding the National Labor Relations Act. The Charged Party will instruct supervisors, managers, and employees to attend the training session. The date, time, and location/method for this training shall be proposed by the Charged Party within 14 days of the approval of this agreement and must be approved by the Regional Director at least 14 days before the training is held. Absent a compelling reason, this training shall take place on the same date as the reading of the Notice described in this Agreement or as otherwise determined by the Regional Director. To document its compliance with this requirement, within 14 days from the date of the training session(s), the Charged Party will e-file, via the Agency's e-filing portal at www.nlr.gov, a Certificate of Compliance identifying the names of all supervisors, managers, and employees in attendance at the mandatory training.

DISTRIBUTION OF THE EXPLANATION OF RIGHTS — The Charged Party will print out the Explanation of Employee Rights (attached as Appendix A) in color from www.nlr.gov (Employee Rights Under the NLRA poster, two-page 8.5 x 11 version (pdf)) and a responsible management official of the Charged Party will hand-deliver copies to all employees no later than 30 days from approval of this agreement.

REMOVAL OF REFERENCES TO DISCIPLINE — Within 14 days from the approval of this agreement, the Charged Party will remove from its files any references to the (b) (6), (b) (7)(C), 2022 discipline of (b) (6), (b) (7)(C) except for a single record preserved outside of (b) (6), (b) (7)(C) personnel file retained exclusively for the sole purpose of compliance with the regulations for vocational facilities by the Pennsylvania Department of Human Services, Office of Developmental Programs, specifically 55 PA. CODE § 2390.61- *Hazards*. The Charged Party shall provide (b) (6), (b) (7)(C) with the written notification required in the Notice to Employees by sending (b) (6), (b) (7)(C) a letter on the Charged Party's letterhead, signed by one of its managers. The letter shall state that all records of (b) (6), (b) (7)(C) discipline have been removed from the Charged Party's files except for a single record preserved outside of (b) (6), (b) (7)(C) personnel file retained exclusively for the sole purpose of compliance with the regulations for vocational facilities by the Pennsylvania Department of Human Services, Office of Developmental Programs, specifically 55 PA. CODE § 2390.61 - *Hazards*; that the discipline will not be used against (b) (6), (b) (7)(C) in any way; and that SpArc Philadelphia will respect the rights of employees to form, join, or support unions and to discuss workplace issues and terms and conditions of employment with coworkers, including issues related to time-and-attendance policies. To document its compliance with this requirement, the Charged Party will submit a copy of the letter via the Agency's e-filing portal at www.nlr.gov within three days of distribution to (b) (6), (b) (7)(C).

SCOPE OF THE AGREEMENT — This Agreement settles only the allegations in the above-captioned case(s), including all allegations covered by the attached Notice to Employees made part of this agreement, and does not settle any other case(s) or matters. It does not prevent persons from filing charges, the General Counsel from prosecuting complaints, or the Board and the courts from finding violations with respect to matters that happened before this Agreement was approved regardless of whether General Counsel knew of those matters or could have easily found them out. The General Counsel reserves the right to use the evidence obtained in the investigation and prosecution of the above-captioned case(s) for any relevant purpose in the litigation of this or any other case(s), and a judge, the Board and the courts may make findings of fact and/or conclusions of law with respect to said evidence.

Initials: _____

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

PARTIES TO THE AGREEMENT — If the Charging Party fails or refuses to become a party to this Agreement and the Regional Director determines that it will promote the policies of the National Labor Relations Act, the Regional Director may approve the settlement agreement and decline to issue or reissue a Complaint in this matter. If that occurs, this Agreement shall be between the Charged Party and the undersigned Regional Director. In that case, a Charging Party may request review of the decision to approve the Agreement. If the General Counsel does not sustain the Regional Director's approval, this Agreement shall be null and void.

AUTHORIZATION TO PROVIDE COMPLIANCE INFORMATION AND NOTICES DIRECTLY TO CHARGED PARTY — Counsel for the Charged Party authorizes the Regional Office to forward the cover letter describing the general expectations and instructions to achieve compliance, a conformed settlement, original notices and a certification of posting directly to the Charged Party. If such authorization is granted, Counsel will be simultaneously served with a courtesy copy of these documents.


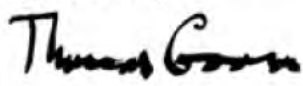
Yes No
 s Initials

PERFORMANCE — Performance by the Charged Party with the terms and provisions of this Agreement shall commence immediately after the Agreement is approved by the Regional Director, or if the Charging Party does not enter into this Agreement, performance shall commence immediately upon receipt by the Charged Party of notice that no review has been requested or that the General Counsel has sustained the Regional Director.

The Charged Party agrees that in case of non-compliance with any of the terms of this Settlement Agreement by the Charged Party, and after 14 days' notice from the Regional Director of the National Labor Relations Board of such non-compliance without remedy by the Charged Party, the Regional Director will issue a Complaint that includes the allegations covered by the Notice to Employees, as identified above in the Scope of Agreement section, as well as filing and service of the charge(s), commerce facts necessary to establish Board jurisdiction, labor organization status, appropriate bargaining unit (if applicable), and any other allegations the General Counsel would ordinarily plead to establish the unfair labor practices. Thereafter, the General Counsel may file a Motion for Default Judgment with the Board on the allegations of the Complaint. The Charged Party understands and agrees that all of the allegations of the Complaint will be deemed admitted and that it will have waived its right to file an Answer to such Complaint. The only issue that the Charged Party may raise before the Board will be whether it defaulted on the terms of this Settlement Agreement. The General Counsel may seek, and the Board may impose, a full remedy for each unfair labor practice identified in the Notice to Employees. The Board may then, without necessity of trial or any other proceeding, find all allegations of the complaint to be true and make findings of fact and conclusions of law consistent with those allegations adverse to the Charged Party on all issues raised by the pleadings. The Charged Party agrees that the Board may then issue an order providing, as elected by the Regional Director, a full remedy for the violations found as is appropriate to remedy such violations, and/or an order requiring the Charged Party to perform terms of this settlement agreement as specified by the Regional Director. The parties further agree that a U.S. Court of Appeals Judgment may be entered enforcing the Board order ex parte, after service or attempted service upon Charged Party/Respondent at the last address provided to the General Counsel.

NOTIFICATION OF COMPLIANCE — Each party to this Agreement will notify the Regional Director in writing what steps the Charged Party has taken to comply with the Agreement. This notification shall be given within 5 days, and again after 60 days, from the date of the approval of this Agreement. If the Charging Party does not enter into this Agreement, initial notice shall be given within 5 days after notification from the Regional Director that the Charging Party did not request review or that the General Counsel sustained the Regional Director's approval of this agreement. No further action shall be taken in the above captioned case(s) provided that the Charged Party complies with the terms and conditions of this Settlement Agreement and Notice.

Initials:

Charged Party SpArc Philadelphia		Charging Party SpArc Organizing Committee	
By:	Name and Title	Date	
	(b) (6), (b) (7)(C)	11/9/22	
Print Name and Title below			
(b) (6), (b) (7)(C)			
Recommended By:		Date	
			
JOSHUA D. ROSENBERG		November 9,	
Senior Labor-Management		2022	
Relations Examiner			
Approved By:		Date	
		11/22/22	
Thomas Goonan			
Regional Director, Region 4			

Initials: _____



(b) (6), (b) (7)(C)

(To be printed and posted on official Board notice form)

THE NATIONAL LABOR RELATIONS ACT GIVES YOU THE RIGHT TO:

- Form, join, or assist a union;
- Choose a representative to bargain with us on your behalf;
- Act together with other employees for your benefit and protection;
- Choose not to engage in any of these protected activities.

WE WILL NOT interfere with, restrain, or coerce you in the exercise of the above rights.

WE WILL NOT tell you that employees were discharged because they organized the SpArc Organizing Committee (the Union) or engaged in other protected concerted activities.

WE WILL NOT tell you not to talk to coworkers about your terms conditions of employment or that only work-related issues may be discussed.

WE WILL NOT tell you to refrain from, or to stop engaging in union or other protected concerted activities.

WE WILL NOT ask you to retract complaints about your terms and conditions of employment.

WE WILL NOT discourage you from engaging in union or other protected concerted activities by accusing you of bullying or telling you that engaging in union or other protected concerted activities is considered bullying.

WE WILL NOT threaten or impliedly threaten you with discharge, to issue you written warnings, or to impose more onerous working conditions because you engage in union or other protected concerted activities.

WE WILL NOT make it appear to you that we are watching out for your union or other protected concerted activities.

WE WILL NOT ask you about your union or other protected concerted activities

WE WILL NOT hold mandatory captive-audience meetings in which you are forced to convene on paid time to listen to us concerning your rights to engage in union or other protected concerted activities under the National Labor Relations Act.

WE WILL NOT confiscate or direct you to remove flyers concerning your rights under Section 7 of the National Labor Relations Act.

WE WILL NOT issue you a written warning, or any other discipline, because of your union or other protected concerted activities.

WE WILL NOT in any like or related manner interfere with your rights under Section 7 of the Act.

Initials: _____

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

WE WILL remove from our files all references to the (b) (6), (b) (7)(C) 2022 written warning issued to (b) (6), (b) (7)(C) (except for a single record preserved outside of her personnel file retained exclusively for the sole purpose of compliance with the regulations for vocational facilities by the Pennsylvania Department of Human Services, Office of Developmental Programs, specifically 55 PA. CODE § 2390.61 - Hazards), and WE WILL notify (b) (6), (b) (7)(C) in writing that this has been done; that the discipline will not be used against (b) (6), (b) (7)(C) in any way, including but not limited to, as a basis for future personnel action against (b) (6), (b) (7)(C) and that we will respect the rights of employees to form, join, or support unions, and to discuss workplace issues and terms and conditions of employment with coworkers, including issues related to our time-and-attendance policies.

SpArc Philadelphia

(Employer)

Dated: 11/9/22

By: _____

(b) (6), (b) (7)(C)

(Representative)

(Title)

The National Labor Relations Board is an independent Federal agency created in 1935 to enforce the National Labor Relations Act. We conduct secret-ballot elections to determine whether employees want union representation and we investigate and remedy unfair labor practices by employers and unions. To find out more about your rights under the Act and how to file a charge or election petition, you may speak confidentially to any agent with the Board's Regional Office set forth below or you may call the Board's toll-free number 1-844-762-NLRB (1-844-762-6572). Callers who are deaf or hard of hearing who wish to speak to an NLRB representative should send an email to relay.service@nlrb.gov. An NLRB representative will email the requestor with instructions on how to schedule a relay service call.

100 E Penn Square
Suite 403
Philadelphia, PA 19107

Telephone: (215)597-7601
Hours of Operation: 8:30 a.m. to 5 p.m.

THIS IS AN OFFICIAL NOTICE AND MUST NOT BE DEFACED BY ANYONE

This notice must remain posted for 60 consecutive days from the date of posting and must not be altered, defaced or covered by any other material. Any questions concerning this notice or compliance with its provisions may be directed to the above Regional Office's Compliance Officer.

Initials: _____

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

Initials: (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

APPENDIX A



Employee Rights

Under the National Labor Relations Act

The National Labor Relations Act (NLRA) guarantees the right of employees to organize and bargain collectively with their employers, and to engage in other protected concerted activity or to refrain from engaging in any of the above activity. Employees covered by the NLRA* are protected from certain types of employer and union misconduct. This Notice gives you general information about your rights, and about the obligations of employers and unions under the NLRA. Contact the National Labor Relations Board (NLRB), the Federal agency that investigates and resolves complaints under the NLRA, using the contact information supplied below, if you have any questions about specific rights that may apply in your particular workplace.

Under the NLRA, you have the right to:

- Organize a union to negotiate with your employer concerning your wages, hours, and other terms and conditions of employment.
- Form, join or assist a union.
- Bargain collectively through representatives of employees' own choosing for a contract with your employer setting your wages, benefits, hours, and other working conditions.
- Discuss your wages and benefits and other terms and conditions of employment or union organizing with your co-workers or a union.
- Take action with one or more co-workers to improve your working conditions by, among other means, raising work-related complaints directly with your employer or with a government agency, and seeking help from a union.
- Strike and picket, depending on the purpose or means of the strike or the picketing.
- Choose not to do any of these activities, including joining or remaining a member of a union.

Under the NLRA, it is illegal for your employer to:

- Prohibit you from talking about or soliciting for a union during non-work time, such as before or after work or during break times; or from distributing union literature during non-work time, in non-work areas, such as parking lots or break rooms.

Under the NLRA, it is illegal for a union or for the union that represents you in bargaining with your employer to:

- Threaten or coerce you in order to gain your support for the union.

Initials: _____

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

- Question you about your union support or activities in a manner that discourages you from engaging in that activity.
- Fire, demote, or transfer you, or reduce your hours or change your shift, or otherwise take adverse action against you, or threaten to take any of these actions, because you join or support a union, or because you engage in concerted activity for mutual aid and protection, or because you choose not to engage in any such activity.
- Threaten to close your workplace if workers choose a union to represent them.
- Promise or grant promotions, pay raises, or other benefits to discourage or encourage union support.
- Prohibit you from wearing union hats, buttons, t-shirts, and pins in the workplace except under special circumstances.
- Spy on or videotape peaceful union activities and gatherings or pretend to do so.

- Refuse to process a grievance because you have criticized union officials or because you are not a member of the union.
- Use or maintain discriminatory standards or procedures in making job referrals from a hiring hall.
- Cause or attempt to cause an employer to discriminate against you because of your union-related activity.
- Take adverse action against you because you have not joined or do not support the union.

If you and your co-workers select a union to act as your collective bargaining representative, your employer and the union are required to bargain in good faith in a genuine effort to reach a written, binding agreement setting your terms and conditions of employment. The union is required to fairly represent you in bargaining and enforcing the agreement.

Illegal conduct will not be permitted. If you believe your rights or the rights of others have been violated, you should contact the NLRB promptly to protect your rights, generally within six months of the unlawful activity. You may inquire about possible violations without your employer or anyone else being informed of the inquiry. Charges may be filed by any person and need not be filed by the employee directly affected by the violation. The NLRB may order an employer to rehire a worker fired in violation of the law and to pay lost wages and benefits, and may order an employer or union to cease violating the law. Employees should seek assistance from the nearest regional NLRB office, which can be found on the Agency's Web site, <http://www.nlrb.gov>.

You can contact the NLRB by calling toll-free: 1-844-762-NLRB (6572). You will be automatically routed to the nearest field office. Hearing impaired callers who wish to speak to an Agency representative should contact the Federal Relay Service by visiting its website at <https://www.federalrelay.us/tty/>, calling one of its toll free numbers and asking its Communications Assistant to call our toll free number at 1-844-762-NLRB.

If you do not speak or understand English well, you may obtain a translation of this notice from the NLRB's Web site or by calling the toll-free numbers listed above.

*The National Labor Relations Act covers most private-sector employers and the United States Postal Service. Excluded from coverage under the NLRA are public-sector employees, agricultural and domestic workers, independent contractors, workers employed by a parent or spouse, employees of air and rail carriers covered by the Railway Labor Act, and supervisors (although supervisors that have been discriminated against for refusing to violate the NLRA may be covered).

This is an official Government Notice and must not be defaced by anyone.

SEPTEMBER 2011

Initials: _____

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 4
100 E Penn Square
Suite 403
Philadelphia, PA 19107

Agency Website: www.nlrb.gov
Telephone: (215)597-7601
Fax: (215)597-7658

Agent's Direct Dial: (215)597-0673

Email address: ladean.williams@nlrb.gov

November 22, 2022

VIA E-MAIL ONLY

Marjorie M. Obod, Esquire
Dilworth Paxson, LLP
1500 Market Street
Suite 3500E
Philadelphia, PA 19102
mobod@dilworthlaw.com

Re: SpArc Philadelphia
Cases 04-CA-290212 and 04-CA-292143

Dear Mr. Obod:

Enclosed is a conformed copy of the Settlement Agreement in the above matter that was approved on November 22, 2022. The Settlement Agreement is now in effect and has been assigned to me to secure compliance with its terms. This letter discusses what the Employer needs to do to comply with the Agreement and sets forth deadlines for the return of documentary evidence and certifications demonstrating the Employer's efforts to comply. In corresponding with the Agency during the compliance phase, please be advised that the NLRB requires the mandatory electronic filing of all case documents via the Agency's e-filing portal at www.nlrb.gov.

Physically Post Notice: Enclosed are printable copies of the official Notice to Employees. By **December 6, 2022**, the Employer must:

- Print the attached Notices in color on 8 ½ by 14 inch legal-sized paper and ensure that each copy of the Notice retains the heading in blue lettering at the top of the Notice and the footer containing the Employer's signature and the Region's contact information.
- Have a responsible official of the Employer, not the Employer's attorney, sign and date the Notices.
- Post the signed Notices immediately in its 2350 West Westmoreland Street, Philadelphia, Pennsylvania 19140 facility, in all areas where notices to employees are customarily posted for a period of 60 consecutive days.

The Employer must take reasonable steps to ensure that the Notices are not altered, defaced or covered by other material. During the posting period, a member of the Regional Office staff may visit the Employer's facility to inspect the Notices.

Coronavirus Pandemic Delay: If the facility involved in these proceedings is open and staffed by a substantial complement of employees, the Notices must be physically posted and distributed by all means described in this letter by **December 6, 2022**. If the facility involved in these proceedings is closed due to the Coronavirus pandemic, the Notices must be posted and distributed by all means described in this letter within 14 days after the facility reopens and a substantial complement of employees have returned to work, and the Notices may not be posted until a substantial complement of employees have returned to work. A substantial complement of employees is at least 50% of the total number of employees employed by the Employer prior to closing its business due to the Coronavirus pandemic. The Employer should be prepared to provide monthly updates as to the status of operations at its facility.

Electronically Mail Notice: The Settlement Agreement provides that the Employer will email (via personal email to the extent available and via work email address otherwise) a signed copy of the Notice and Explanation of Rights, Appendix A to all current and former employees who were employed at the facility located at 2350 West Westmoreland Street, Philadelphia, Pennsylvania 19140 at any time since November 24, 2021 (two thousand and twenty-one). The message of the e-mail transmitted in the Notice will state: **“We are distributing the Attached Notice to Employees to you pursuant to a Settlement Agreement approved by the Regional Director of Region 04 of the National Labor relations Board in Cases 04-CA-290212 and 04-CA-292143.** If the Employer customarily communicates with its employees by such means, by **December 6, 2022**, the Employer must:

- To document compliance with this requirement the Charged Party e-file a copy of its distribution e-mail, with all of the recipients’ e-mail addresses visible, along with a copy of the attached Notice to Employees, and a fully completed Certification of Posting form, via the Agency’s e-filing portal at www.nlrb.gov.

If the Employer does not customarily communicate with its employees by electronic means such as by email, it should so advise in writing on the Certification of Posting form.

Remedial Actions

Read the Notice: The Settlement Agreement provides that the Employer will hold a meeting or meetings, scheduled to ensure the widest possible attendance for each shift, at which a responsible management official of the Employer will read the Notice in English and any other languages deemed necessary by the Region, in the presence of a Board agent.

The reading will take place at a time when the Charged Party would customarily hold meetings and must be completed between the beginning of the posting period and prior to the completion of the 60-day Notice posting period. The date and time(s) of the reading must be approved by the Regional Director. The announcement of the meeting will be in the same manner the Charged Party normally announces meetings and must be approved by the Regional Director. The Notice will be read in the following languages: English.

- By **December 6, 2022**, please provide me via email at joshua.rosenberg@nlrb.gov the proposed date(s) and time(s) that the Employer wishes to conduct the meeting(s) at which the Notice to Employees will be read and the proposed method of meeting announcement,

which should be the same manner the Employer normally announces meetings to employees.

- After I have approved the proposed date(s) and time(s) and method of announcement, the Employer must announce the meeting to employees.
- The reading will take place at a time when the Charged Party would customarily hold meetings and must be completed between the beginning of the posting period and prior to the completion of the 60-day Notice posting period.

NOTICE TO SUPERVISORS — The Charged Party is to distribute the Notice to Employees to all current and former supervisors and managers who were employed at any time since November 24, 2021 (two thousand and twenty-one) at the 2350 West Westmoreland Street, Philadelphia, Pennsylvania 19140 facility.

TRAINING OF MANAGERS, SUPERVISORS, AND EMPLOYEES — Within two months of the approval of this Agreement, a Board agent shall provide a one-hour training session to the Charged Party's managers, supervisors, and employees regarding the National Labor Relations Act. The Charged Party will instruct supervisors, managers, and employees to attend the training session. The date, time, and location/method for this training shall be proposed by the Charged Party within 14 days of the approval of this agreement and must be approved by the Regional Director at least 14 days before the training is held. Absent a compelling reason, this training shall take place on the same date as the reading of the Notice described in this Agreement or as otherwise determined by the Regional Director. To document its compliance with this requirement, within 14 days from the date of the training session(s), the Charged Party will e-file, via the Agency's e-filing portal at www.nlrb.gov, a Certificate of Compliance identifying the names of all supervisors, managers, and employees in attendance at the mandatory training.

DISTRIBUTION OF THE EXPLANATION OF RIGHTS – The Charged Party will print out the Explanation of Employee Rights (attached as Appendix A) in color from www.nlrb.gov ([Employee Rights Under the NLRA poster, two-page 8.5 x 11 version \(pdf\)](#)) and a responsible management official of the Charged Party will hand-deliver copies to all employees no later than 30 days from approval of this agreement.

REMOVAL OF REFERENCES TO DISCIPLINE — Within 14 days from the approval of this agreement, the Charged Party will remove from its files any references to the (b) (6), (b) (7)(C), 2022 discipline of (b) (6), (b) (7)(C) except for a single record preserved outside of (b) (6), (b) (7)(C) personnel file retained exclusively for the sole purpose of compliance with the regulations for vocational facilities by the Pennsylvania Department of Human Services, Office of Developmental Programs, specifically 55 PA. CODE § 2390.61- *Hazards*. The Charged Party shall provide (b) (6), (b) (7)(C) with the written notification required in the Notice to Employees by sending (b) (6), (b) (7)(C) a letter on the Charged Party's letterhead, signed by one of its managers. The letter shall state that all records of (b) (6), (b) (7)(C) discipline have been removed from the Charged Party's files except for a single record preserved outside of (b) (6), (b) (7)(C) personnel file retained exclusively for the sole purpose of compliance with the regulations for vocational facilities by the Pennsylvania Department of Human Services, Office of Developmental Programs, specifically 55 PA. CODE § 2390.61 - *Hazards*; that the discipline will not be used against (b) (6), (b) (7)(C) in any way; and that SpArc Philadelphia will respect the rights of employees to form, join, or support unions and to discuss workplace issues and terms and conditions of employment with coworkers, including issues related to time-and-attendance policies. To document its compliance with this requirement, the Charged Party will submit a copy

of the letter via the Agency's e-filing portal at www.nlrb.gov within three days of distribution to (b) (6), (b) (7)(C)

Remedial Actions

Certifications of Compliance: Certification of Posting and Compliance forms are enclosed. The Employer must complete and return the following forms by the deadlines listed below:

- By **December 6, 2022**, return via e-file the completed Certification of Posting form, along with a color copy of the signed Notice and, if applicable, documentary evidence to support the Employer's compliance with distributing the signed Notice to employees through other methods.
- By **December 6, 2022**, return via e-file the completed Certification of Compliance form, along with any documentary evidence to support the Employer's compliance with the affirmative actions the Employer must take to comply.
- For cases involving Notice readings, by 7 days after the Employer has completed the Notice reading, return via e-file the completed Supplemental Certification of Compliance form.

Electronic Filing of Documents: The NLRB requires mandatory electronic filing of all case documents. See [GC 20-01](#) for more information. Written instructions for using the Agency's e-filing system and the Agency's Electronic Filing Terms and Conditions have been posted on the Agency's [website](#). The Agency's website also contains a [video demonstration](#) which provides step-by-step instructions for e-filing.

Case Closing

When all the affirmative terms of the Settlement Agreement have been fully complied with and there are no reported violations of its negative provisions, you will be notified that these cases have been closed on compliance. Timely submission of the Certifications of Posting and Compliance, along with the documents requested within, will assist the Regional Office in recommending the closing of these cases in a timely manner.

Your cooperation in this matter will be appreciated.

Thank you,

/s/ Ladean Williams

LADEAN WILLIAMS

Enclosures: Copy of Conformed Settlement Agreement
Notices to Employees
Rights to Employees
Certification of Posting Form
Certification of Compliance Form
Supplemental Certification of Compliance Form

cc: (b) (6), (b) (7)(C)
SpArc Organizing Committee
(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)

CERTIFICATION OF POSTING

RE: SpArc Philadelphia
Case(s) 04-CA-290212 and 04-CA-292143

Due Date: December 6, 2022

(If additional space is needed to provide a full response, attach a sheet(s) with the necessary information.)

As required by the Settlement Agreement in this matter, this document is a sworn certification of the steps that the Employer has taken to comply

Delayed Posting

Complete this section only and return to the Region if the Employer's place of business is currently closed or does not have a substantial complement, at least 50% of the employees, due to the Coronavirus Pandemic. On a monthly basis, the Employer should submit updates on the status of the business.

I certify that the Employer's facility is currently closed/operating with a less than a substantial complement of employees. We anticipate reopening the Employer's facility/returning a substantial complement of employees back to work on _____. The Certification of Compliance below will be completed and returned to the Region shortly after the anticipated date above.

CHARGED PARTY

By: _____

Title: _____

Date: _____

Physical Posting

The signed and dated Notice to Employees in the above matter was posted on (date)_____ at the following locations: (List specific places of posting)

A legible copy of the signed Notice, displaying full text of the Notice, including the date, signature and title of the responsible official of the Employer was e-filed together with this Certification.

Electronic Mailing

The signed and dated Notice to Employees and Explanation of Rights in the above-captioned matter was electronically mailed on (date)_____ to all of its present employees to whom the rule was promulgated, including Experience Manager and Strategy Consultant employees, and any other employees who received the plan as part of their employment.

The message in the e-mail transmitted with the Notice and explanation of Rights will state: **We are distributing the Attached Notice to Employees to you pursuant to a Settlement Agreement approved by the Regional Director of Region 4 of the National Labor Relations Board in Cases 04-CA-290212 and 04-CA-292143.”** A copy of this distribution e-mail, with all of the recipients’ e-mail addresses visible, along with a copy of the attached Notice, was e-filed via the Agency’s e-filing portal at www.nlrb.gov together with this Certification.

Notice To Supervisors

A copy of the Notice to Employees was hand-delivered to all current and former supervisors and managers who were employed at any time since November 24, 2021 (two thousand and twenty-one) at its 2350 West Westmoreland Street, Philadelphia, Pennsylvania 19140 facility on _____ by a responsible management official of the Charged Party.

Distribution Of The Explanation Of Rights

A color copy of the The Explanation of Rights (attached as Appendix A) www.nlrb.gov ([Employee Rights Under the NLRA poster, two-page 8.5 x 11 version \(pdf\)](#)) was hand-delivered to all employees on (date) _____ by a responsible management official of the Charged Party.

I have completed this Certification of Posting and state under penalty of perjury that it is true and correct.

CHARGED PARTY

By: _____

Title: _____

Date: _____

This form should be returned to the Regional Office together with **ONE** original Notice, dated and signed in the same manner as those posted. The Certification of Posting form and color-scanned signed Notice should be returned via e-file. Please do not e-mail or physically send hard copies of the Certification of Posting form or Notice at this time. If you need assistance in e-filing case documents, please contact the Compliance Assistant assigned to this case.

CERTIFICATION OF COMPLIANCE

Due Date: December 6, 2022

**RE: SpArc Philadelphia
Case(s) 04-CA-290212 and 04-CA-292143**

As required by the Settlement Agreement in this matter, this document is a sworn certification of the steps that the Employer has taken to comply.

Read Notice Aloud to Employees

As set forth below, the Employer read the Notice aloud to its employees.

Date(s) and Time(s) of Notice Reading	
Method of Announcement	
Name and Title of Employer Official	
Additional Notes	

I have completed this Certification of Compliance and state under penalty of perjury that it is true and correct.

CHARGED PARTY

By: _____

Title: _____

Date: _____

This form should be returned to the Regional Office via e-file. Please do not e-mail or physically send hard copies of the Certification of Compliance form at this time. If you need assistance in e-filing case documents, please contact the Compliance Assistant assigned to this case.

SUPPLEMENTAL CERTIFICATION OF COMPLIANCE

Due within 7 days after any Notice reading.

Read Notice Aloud to Employees

The Notice to Employees in the above captioned matter was read on (date/s)

by (Responsible official's name and title) _____ to all
current employees in the following languages:

I have completed this Supplemental Certification of Compliance and state under penalty of perjury
that it is true and correct.

CHARGED PARTY

By: _____

Title: _____

Date: _____

This form should be returned to the Regional Office via e-file. Please do not e-mail or physically send hard copies of the Supplemental Certification of Compliance form at this time. If you need assistance in e-filing case documents, please contact the Compliance Assistant assigned to this case.



NOTICE TO EMPLOYEES

POSTED PURSUANT TO A SETTLEMENT AGREEMENT APPROVED BY A REGIONAL DIRECTOR OF THE NATIONAL LABOR RELATIONS BOARD

AN AGENCY OF THE UNITED STATES GOVERNMENT

THE NATIONAL LABOR RELATIONS ACT GIVES YOU THE RIGHT TO:

- Form, join, or assist a union;
- Choose a representative to bargain with us on your behalf;
- Act together with other employees for your benefit and protection;
- Choose not to engage in any of these protected activities.

WE WILL NOT interfere with, restrain, or coerce you in the exercise of the above rights.

WE WILL NOT tell you that employees were discharged because they organized the SpArc Organizing Committee (the Union) or engaged in other protected concerted activities.

WE WILL NOT tell you not to talk to coworkers about your terms conditions of employment or that only work-related issues may be discussed.

WE WILL NOT tell you to refrain from, or to stop engaging in union or other protected concerted activities.

WE WILL NOT ask you to retract complaints about your terms and conditions of employment.

WE WILL NOT discourage you from engaging in union or other protected concerted activities by accusing you of bullying or telling you that engaging in union or other protected concerted activities is considered bullying.

WE WILL NOT threaten or impliedly threaten you with discharge, to issue you written warnings, or to impose more onerous working conditions because you engage in union or other protected concerted activities.

WE WILL NOT make it appear to you that we are watching out for your union or other protected concerted activities.

WE WILL NOT ask you about your union or other protected concerted activities

WE WILL NOT hold mandatory captive-audience meetings in which you are forced to convene on paid time to listen to us concerning your rights to engage in union or other protected concerted activities under the National Labor Relations Act.

The National Labor Relations Board is an independent Federal agency created in 1935 to enforce the National Labor Relations Act. It conducts secret-ballot elections to determine whether employees want union representation and it investigates and remedies unfair labor practices by employers and unions. To find out more about your rights under the Act and how to file a charge or election petition, you may speak confidentially to any agent with the Board's Regional Office set forth below. You may also obtain information from the Board's website: www.nlr.gov and the toll-free number (844) 762-NLRB (6572). Hearing impaired callers who wish to speak to an Agency representative should contact the Federal Relay Service (link is external) by visiting its website at <https://www.federalrelay.us/tty> (link is external), calling one of its toll free numbers and asking its Communications Assistant to call our toll free number at 1-844-762-NLRB

**100 E Penn Square, Suite 403
Philadelphia, PA 19107**

**Telephone: (215) 597-7601
Hours of Operation: 8:30 a.m. to 5:00 p.m.**

THIS IS AN OFFICIAL NOTICE AND MUST NOT BE DEFACED BY ANYONE

This notice must remain posted for 60 consecutive days from the date of posting and must not be altered, defaced, or covered by any other material. Any questions concerning this notice or compliance with its provisions may be directed to Centralized Unit's Compliance Assistant, Ladean Williams at (215) 597-0673.

**Case name is SpArc Philadelphia,
Case numbers 04-CA-290212 and 04-CA-292143**



NOTICE TO EMPLOYEES

POSTED PURSUANT TO A SETTLEMENT AGREEMENT APPROVED BY A REGIONAL DIRECTOR OF THE NATIONAL LABOR RELATIONS BOARD

AN AGENCY OF THE UNITED STATES GOVERNMENT

THE NATIONAL LABOR RELATIONS ACT GIVES YOU THE RIGHT TO:

- Form, join, or assist a union;
- Choose a representative to bargain with us on your behalf;
- Act together with other employees for your benefit and protection;
- Choose not to engage in any of these protected activities.

WE WILL NOT confiscate or direct you to remove flyers concerning your rights under Section 7 of the National Labor Relations Act.

WE WILL NOT issue you a written warning, or any other discipline, because of your union or other protected concerted activities.

WE WILL NOT in any like or related manner interfere with your rights under Section 7 of the Act.

WE WILL remove from our files all references to the (b) (6), (b) (7)(C) 2022 written warning issued to (b) (6), (b) (7)(C) (except for a single record preserved outside of (b) (6), (b) (7)(C) personnel file retained exclusively for the sole purpose of compliance with the regulations for vocational facilities by the Pennsylvania Department of Human Services, Office of Developmental Programs, specifically 55 PA. CODE § 2390.61 - Hazards), and **WE WILL** notify (b) (6), (b) (7)(C) in writing that this has been done; that the discipline will not be used against (b) (6), (b) (7)(C) in any way, including but not limited to, as a basis for future personnel action against (b) (6), (b) (7)(C) and that we will respect the rights of employees to form, join, or support unions, and to discuss workplace issues and terms and conditions of employment with coworkers, including issues related to our time-and-attendance policies.

SpArc Philadelphia

(Employer)

Dated: _____

By: _____

(Representative)

(Title)

The National Labor Relations Board is an independent Federal agency created in 1935 to enforce the National Labor Relations Act. It conducts secret-ballot elections to determine whether employees want union representation and it investigates and remedies unfair labor practices by employers and unions. To find out more about your rights under the Act and how to file a charge or election petition, you may speak confidentially to any agent with the Board's Regional Office set forth below. You may also obtain information from the Board's website: www.nlr.gov and the toll-free number (844) 762-NLRB (6572). Hearing impaired callers who wish to speak to an Agency representative should contact the Federal Relay Service (link is external) by visiting its website at <https://www.federalrelay.us/tty> (link is external), calling one of its toll free numbers and asking its Communications Assistant to call our toll free number at 1-844-762-NLRB

**100 E Penn Square, Suite 403
Philadelphia, PA 19107**

**Telephone: (215) 597-7601
Hours of Operation: 8:30 a.m. to 5:00 p.m.**

THIS IS AN OFFICIAL NOTICE AND MUST NOT BE DEFACED BY ANYONE

This notice must remain posted for 60 consecutive days from the date of posting and must not be altered, defaced, or covered by any other material. Any questions concerning this notice or compliance with its provisions may be directed to Centralized Unit's Compliance Assistant, Ladean Williams at (215) 597-0673.

Case name is SpArc Philadelphia
Case numbers 04-CA-290212 and 04-CA-292143

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
SETTLEMENT AGREEMENT

**IN THE MATTER OF
SpArc Philadelphia**

**Cases 04-CA-290212 &
04-CA-292143**

Subject to the approval of the Regional Director for the National Labor Relations Board, the Charged Party and the Charging Party **HEREBY AGREE TO SETTLE THE ABOVE MATTER AS FOLLOWS:**

POSTING OF NOTICE — After the Regional Director has approved this Agreement, the Regional Office will send copies of the approved Notice to the Charged Party in English and in additional languages if the Regional Director decides that it is appropriate to do so. A responsible official of the Charged Party will then sign and date those Notices and immediately post them in its 2350 West Westmoreland Street, Philadelphia, Pennsylvania 19140 facility, in all areas where notices to employees are customarily posted. If the Employer's place of business is currently closed and a substantial number of employees are not reporting to the facility due to the Coronavirus pandemic or is operating with less than a substantial complement of employees, the 60 consecutive day period for posting will begin when the Employer's place of business reopens and a substantial complement of employees have returned to work. For purposes of this notice posting, a substantial complement of employees is at least 50% of the total number of employees employed by the Employer prior to closing its business due to the Coronavirus pandemic. The Charged Party will keep all Notices posted for 60 consecutive days after the initial posting.

EMAILING OF NOTICE — The Charged Party will send via email a copy of the signed Notice in English, and in additional languages if the Regional Director decides that it is appropriate, to all current and former employees who were employed at the facility located at 2350 West Westmoreland Street, Philadelphia, Pennsylvania 19140 at any time since November 24, 2021 (two thousand and twenty-one). The message of the email transmitted with the Notice will state: "We are distributing the Attached Notice to Employees to you pursuant to a Settlement Agreement approved by the Regional Director of Region 04 of the National Labor Relations Board in Cases 04-CA-290212 & 04-CA-292143. You have the right to engage in union and protected concerted activities such as discussing time-and-attendance policies and other terms and conditions of employment with coworkers, and we will not discipline or retaliate against you for doing so." If the Employer's place of business is currently closed due to the Coronavirus pandemic, the Employer will email the copy of the Notice to its employees within 14 days after service by the Region. To document its compliance with this requirement, the Charged Party will e-file a copy of its distribution email, with all of the recipients' email addresses visible, along with a copy of the attached Notice and a fully completed Certification of Posting form, via the Agency's e-filing portal at www.nlrb.gov.

READING OF NOTICE — The Charged Party will hold a meeting or meetings, scheduled to ensure the widest possible attendance on each shift, at which a responsible management official of the Charged Party will read the Notice in English and in additional languages if the Regional Director decides that it is appropriate to do so, in the presence of a Board agent. The reading will take place at a time when the Charged Party would customarily hold meetings and must be completed between the beginning of the posting period and prior to the completion of the 60-day Notice posting period. The date and time(s) of the reading must be approved by the Regional Director. The announcement of the meeting will be in the same manner the Charged Party normally announces meetings and must be approved by the Regional Director. The Notice will be read in the following languages: English.

NOTICE TO SUPERVISORS — The Charged Party is to distribute the Notice to Employees to all current and former supervisors and managers who were employed at any time since November 24, 2021 (two thousand and twenty-one) at the 2350 West Westmoreland Street, Philadelphia, Pennsylvania 19140 facility.

COMPLIANCE WITH NOTICE — The Charged Party will comply with all the terms and provisions of said Notice.

TRAINING OF MANAGERS, SUPERVISORS, AND EMPLOYEES — Within two months of the approval of this Agreement, a Board agent shall provide a one-hour training session to the Charged Party's managers, supervisors, and employees regarding the National Labor Relations Act. The Charged Party will instruct supervisors, managers, and employees to attend the training session. The date, time, and location/method for this training shall be proposed by the Charged Party within 14 days of the approval of this agreement and must be approved by the Regional Director at least 14 days before the training is held. Absent a compelling reason, this training shall take place on the same date as the reading of the Notice described in this Agreement or as otherwise determined by the Regional Director. To document its compliance with this requirement, within 14 days from the date of the training session(s), the Charged Party will e-file, via the Agency's e-filing portal at www.nlr.gov, a Certificate of Compliance identifying the names of all supervisors, managers, and employees in attendance at the mandatory training.

DISTRIBUTION OF THE EXPLANATION OF RIGHTS — The Charged Party will print out the Explanation of Employee Rights (attached as Appendix A) in color from www.nlr.gov ([Employee Rights Under the NLRA poster, two-page 8.5 x 11 version \(pdf\)](#)) and a responsible management official of the Charged Party will hand-deliver copies to all employees no later than 30 days from approval of this agreement.

REMOVAL OF REFERENCES TO DISCIPLINE — Within 14 days from the approval of this agreement, the Charged Party will remove from its files any references to the (b) (6), (b) (7)(C) 2022 discipline of (b) (6), (b) (7)(C) except for a single record preserved outside of (b) (6), (b) (7)(C) personnel file retained exclusively for the sole purpose of compliance with the regulations for vocational facilities by the Pennsylvania Department of Human Services, Office of Developmental Programs, specifically 55 PA. CODE § 2390.61- *Hazards*. The Charged Party shall provide (b) (6), (b) (7)(C) with the written notification required in the Notice to Employees by sending (b) (6), (b) (7)(C) a letter on the Charged Party's letterhead, signed by one of its managers. The letter shall state that all records of (b) (6), (b) (7)(C) discipline have been removed from the Charged Party's files except for a single record preserved outside of (b) (6), (b) (7)(C) personnel file retained exclusively for the sole purpose of compliance with the regulations for vocational facilities by the Pennsylvania Department of Human Services, Office of Developmental Programs, specifically 55 PA. CODE § 2390.61 - *Hazards*; that the discipline will not be used against (b) (6), (b) (7)(C) in any way; and that SpArc Philadelphia will respect the rights of employees to form, join, or support unions and to discuss workplace issues and terms and conditions of employment with coworkers, including issues related to time-and-attendance policies. To document its compliance with this requirement, the Charged Party will submit a copy of the letter via the Agency's e-filing portal at www.nlr.gov within three days of distribution to (b) (6), (b) (7)(C).

SCOPE OF THE AGREEMENT — This Agreement settles only the allegations in the above-captioned case(s), including all allegations covered by the attached Notice to Employees made part of this agreement, and does not settle any other case(s) or matters. It does not prevent persons from filing charges, the General Counsel from prosecuting complaints, or the Board and the courts from finding violations with respect to matters that happened before this Agreement was approved regardless of whether General Counsel knew of those matters or could have easily found them out. The General Counsel reserves the right to use the evidence obtained in the investigation and prosecution of the above-captioned case(s) for any relevant purpose in the litigation of this or any other case(s), and a judge, the Board and the courts may make findings of fact and/or conclusions of law with respect to said evidence.

PARTIES TO THE AGREEMENT — If the Charging Party fails or refuses to become a party to this Agreement and the Regional Director determines that it will promote the policies of the National Labor Relations Act, the Regional Director may approve the settlement agreement and decline to issue or reissue a Complaint in this matter. If that occurs, this Agreement shall be between the Charged Party and the undersigned Regional Director. In that

case, a Charging Party may request review of the decision to approve the Agreement. If the General Counsel does not sustain the Regional Director's approval, this Agreement shall be null and void.

AUTHORIZATION TO PROVIDE COMPLIANCE INFORMATION AND NOTICES DIRECTLY TO CHARGED PARTY — Counsel for the Charged Party authorizes the Regional Office to forward the cover letter describing the general expectations and instructions to achieve compliance, a conformed settlement, original notices and a certification of posting directly to the Charged Party. If such authorization is granted, Counsel will be simultaneously served with a courtesy copy of these documents.

Yes _____
Initials

No _____
Initials

PERFORMANCE — Performance by the Charged Party with the terms and provisions of this Agreement shall commence immediately after the Agreement is approved by the Regional Director, or if the Charging Party does not enter into this Agreement, performance shall commence immediately upon receipt by the Charged Party of notice that no review has been requested or that the General Counsel has sustained the Regional Director.

The Charged Party agrees that in case of non-compliance with any of the terms of this Settlement Agreement by the Charged Party, and after 14 days' notice from the Regional Director of the National Labor Relations Board of such non-compliance without remedy by the Charged Party, the Regional Director will issue a Complaint that includes the allegations covered by the Notice to Employees, as identified above in the Scope of Agreement section, as well as filing and service of the charge(s), commerce facts necessary to establish Board jurisdiction, labor organization status, appropriate bargaining unit (if applicable), and any other allegations the General Counsel would ordinarily plead to establish the unfair labor practices. Thereafter, the General Counsel may file a Motion for Default Judgment with the Board on the allegations of the Complaint. The Charged Party understands and agrees that all of the allegations of the Complaint will be deemed admitted and that it will have waived its right to file an Answer to such Complaint. The only issue that the Charged Party may raise before the Board will be whether it defaulted on the terms of this Settlement Agreement. The General Counsel may seek, and the Board may impose, a full remedy for each unfair labor practice identified in the Notice to Employees. The Board may then, without necessity of trial or any other proceeding, find all allegations of the complaint to be true and make findings of fact and conclusions of law consistent with those allegations adverse to the Charged Party on all issues raised by the pleadings. The Charged Party agrees that the Board may then issue an order providing, as elected by the Regional Director, a full remedy for the violations found as is appropriate to remedy such violations, and/or an order requiring the Charged Party to perform terms of this settlement agreement as specified by the Regional Director. The parties further agree that a U.S. Court of Appeals Judgment may be entered enforcing the Board order ex parte, after service or attempted service upon Charged Party/Respondent at the last address provided to the General Counsel.

NOTIFICATION OF COMPLIANCE — Each party to this Agreement will notify the Regional Director in writing what steps the Charged Party has taken to comply with the Agreement. This notification shall be given within 5 days, and again after 60 days, from the date of the approval of this Agreement. If the Charging Party does not enter into this Agreement, initial notice shall be given within 5 days after notification from the Regional Director that the Charging Party did not request review or that the General Counsel sustained the Regional Director's approval of this agreement. No further action shall be taken in the above captioned case(s) provided that the Charged Party complies with the terms and conditions of this Settlement Agreement and Notice.

Charged Party SpArc Philadelphia		Charging Party SpArc Organizing Committee	
By:	Name and Title	Date	
/s/	(b) (6), (b) (7)(C)	11/9/22	
Print Name and Title below			
Recommended By:		Date	
/s/ <u>Joshua D. Rosenberg</u>		11/9/22	
Senior Labor-Management Relations Examiner			
Approved By:		Date	
/s/ <u>Thomas Goonan</u>		11/22/22	
Regional Director, Region 4			